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Speeches, The Senate and Its Leadership

Mike Mansfield 1903-2001

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November 27, 1963

STATEMENT OF SENATOR MIKE MANSFIELD (D., MONTANA)

Mr. President:

Minutes before the tragedy last Friday, I asked the Senate for unanimous consent that I might be recognized on the following Monday at the conclusion of the morning hour for the purpose of making a statement on the Senate and its leadership. The remarks which I had already prepared at that time were intended to set forth a few facts on the Congress, in order to set straight some of the generalizations and the illusions about the Senate which had been coming from a variety of informed quarters. It was a statement of what has been achieved, not by any genius of the Leadership or by some Senate establishment but by the 100 Members of this body working in cooperation and in mutual respect. The statement is, I repeat the record of 100 Senators. We all share in the responsibility for its achievements as well as for its shortcomings. There have been both achievements and shortcomings and both are recorded in the statement, I hope, in useful perspective and on the basis of fact. I have recorded it on the basis of what is tangible in the legislative record not on the basis of what the Senate looks like at 8:00 at night or whether the Members are driven or herded or function at their own collective pace and of their own will. After awhile, what the Senate appears to have been in any given period will be noted, if at all, only by the scholars. What the Senate does in a legislative sense in any given period will be felt for a long, long time by all the people of the nation. We are not here as actors and actresses to be applauded. We are here as Senators to do the business of the government. It is not we but it is that alone, in the end, which counts to the nation.

So, Mr. President, the remarks which I had intended to deliver on Monday last in the nature of an interim report on the Senate and its leadership, now becomes because of this overwhelming tragedy, a final report on the Senate and its leadership during the Presidency of John Fitzgerald Kennedy and an indication of what remains to be done under the Administration of President Johnson.

In the light of what has happened, I have no heart to read this report to the Senate. I ask unanimous consent, therefore, that the statement, "The Senate and Its Leadership" unchanged from what it was as prepared for delivery in the Senate on Monday, November 25, 1963 be printed as though read at this point in the Record.

Completed November 22, 1963. For Release Noon, November 25, 1963.

STATEMENT OF SENATOR MIKE MANSFIELD (D., MONTANA)

The Senate and Its Leadership

Mr. President:

Some days ago blunt words were said on the floor of the Senate. They dealt in critical fashion with the state of this institution. They dealt in critical fashion with the quality of the Majority Leadership and the Minority opposition. In doing so, a far more important matter than criticism or praise of the leadership was involved. It is a matter which goes to the fundamental nature of the Senate.

In this light, we have reason to be grateful because if what was stated was being said in the cloakrooms, then it should have been said on the floor. If, as was indicated, the functioning of the Senate itself is in question, the place to air that matter is on the floor of the Senate. We need no cloakroom commandos, operating behind the swinging doors of the two rooms at the rear, to spread the tidings. We need no whispered word passed from one to another and on to the press.

We are here to do the public's business. On the floor of the Senate, the public's business is conducted in full sight and hearing of the public. And it is here, not in the cloakrooms, that the Senator from Montana, the Majority Leader, if you wish, will address himself to the question of the present state of the Senate and its leadership. The Senator from Montana has nothing to conceal. He has nothing which is best whispered in the cloakrooms. What he has to say on this score will be said here. It will be said to all Senators and to all the members of the press who sit above us in more ways than one.

How, Mr. President, do you measure the performance of this Congress--any Congress? How do you measure the performance of a Senate of 100 independent men and women--any Senate? The question rarely arises at least until an election approaches. And, then, our concern may well be with our own individual performance and not necessarily with that of the Senate as a whole.

Yet that performance--the performance of the Senate as a whole--has been judged on the floor. Several Senators, at least, judged it and found it seriously wanting. And with the hue and cry thus raised, they found echoes outside the Senate. I do not criticize Senators for making the judgment, for raising the alarm. Even less do I criticize the press for spreading it. Senators were within their rights. And the press was not only within its rights but was performing a segment of its public duty which is to report what transpires here.

I, too, am within my rights, Mr. President, and I believe I am performing a duty of the leadership when I ask again: How do you judge the performance of this Congress--any Congress? Of this Senate--any Senate? Do you mix a concoction and drink it? And if you feel a sense of well-being thereafter decide it is not so bad a Congress after all? But if you feel somewhat ill or depressed then that, indeed, is proof unequivocal that the Congress is a bad Congress and the Senate is a bad Senate. Or do you shake your head back and forth negatively before a favored columnist when discussing the performance of this Senate? And if he, in turn, nods up and down, then that is proof that the performance is bad?

With all due respect, Mr. President, I searched the remarks of the Senators who have raised the questions. I searched them carefully for I do not make light of the criticism of any Member of this body. I searched them carefully for any insight as to how we might judge accurately the performance of this Senate, in order that we might try to improve it.

There is reference, to be sure, to time-wasting, to laziness, to absenteeism, to standing still and so forth. But who are the time-wasters in the Senate, Mr. President? Who is lazy? Who is an absentee? Each Member can make his own judgment of his individual performance. I make no apologies for mine. Nor will I sit in judgment on any other Member. On that score, each of us will answer to his own conscience, if not to his constituents.

But, Mr. President, insofar as the performance of the Senate as a whole is concerned, with all due respect, these comments on time-wasting have little relevance. Indeed, the Congress can, as it has--as it did in declaring World War II in less than a day--pass legislation which has the profoundest meaning for the entire nation. And by contrast, the Senate floor can look very busy day in and day out, month in and month out, while the Senate is, indeed, dawdling. At one time in the recollection of many of us, we debated a civil rights measure twenty-four hours a day for many days on end. We debated it shaven and unshaven. We debated it without ties, with hair awry and even in bedroom slippers. In the end, we wound up with compromise legislation. And it was not the fresh and well-rested opponents of the civil rights measure who were compelled to the compromise. It was, rather, the exhausted, sleep-starved quorum-confounded proponents who were only too happy to take it.

No, Mr. President, if we would estimate the performance of this Congress or any other, this Senate or any other, we will have to find a more reliable yardstick than whether, on the floor, we act as time-wasters or moonlighters. As every Member of the Senate and press knows, even if the public generally does not, the Senate is neither more nor less effective because the Senate is in session from 9:00 a.m. to 9:00 p.m. or to 9:00 a.m. the next day. In fact, such hours would most certainly make it less effective in present circumstances.

Nor does the length of the session indicate a greater or lesser effectiveness. We live in a twelve-months nation. It may well be that the times are pushing us in the direction of a twelve-months Congress. In short, we cannot measure a Congress or a Senate by the standards of the stretch-out or of the speed-up. It will be of no avail to install a time-clock at the entrance to the Chamber for Senators to punch when they enter or leave the floor.

There has been a great deal said on this floor about featherbedding in certain industries. But if we want to see a featherbedding to end all featherbedding, we will have the Senate sit here day in and day out from dawn until dawn, whether or not the calendar calls for it, in order to impress the boss--the American people--with our industriousness. We may not shuffle papers as bureaucrats are assumed to do when engaged in this art. What we are likely to shuffle is words--words to the President on how to execute the foreign policy or administer the domestic affairs of the nation. And when these words pall, we undoubtedly will

turn to the Court to give that institution the benefit of our advice on its responsibilities. And if we run out of judicial wisdom we can always turn to advising the governors of the states or the mayors of the cities or the heads of other nations on how to manage their concerns.

Let me make it clear that Senators individually have every right to comment on whatever they wish and to do so on the floor of the Senate. Highly significant initiatives on all manner of public affairs have had their genesis in the remarks of individual Senators on the floor. But there is one clear-cut, day-in-and-day-out responsibility of the Senate as a whole. Beyond all others, it is the Constitutional responsibility to be here and to consider and to act in concert with the House on the legislative needs of the nation. And the effectiveness with which that responsibility is discharged cannot be measured by any reference to the clocks on the walls of the Chamber.

Nor can it be measured, really, by the output of legislation. For those who are computer-minded, however, the record shows that 12,656 bills and resolutions were introduced in the 79th Congress (1945-1946). And in the 87th Congress (1961-1962) 20,316 bills and resolutions were introduced, an increase of 60%. And the records show further that in the 79th Congress 2,117 bills and resolutions were passed and in the 87th 2,217 were passed.

But what do these figures tell us, Mr. President? Do they tell us that the Congress has been doing poorly because in the face of an 8,000 increase in the biannual input of bills and resolutions the output of laws fifteen years later had increased by only a hundred? They tell us nothing of the kind.

If these figures tell us anything, they tell us that the pressures on Congress have intensified greatly. They suggest, further, that Congress may be resistant to these pressures. But whether Congress resists rightly or wrongly, to the benefit or detriment of the nation, these figures tell us nothing at all.

There is a refinement in the statistical approach. It may have more meaning than the gross figures in measuring the effectiveness of a Democratic Administration. I refer to the approach which is commonly used these days of totaling the Presidential or Executive Branch requests for significant legislation and weighing against that total the number of Congressional responses in the form of law.

On this basis, if the Congress enacts a small percentage of the Executive Branch requests it is presumed, somewhat glibly and impertinently, to be an ineffective Congress. But if the percentage is high, it follows that it is classifiable as an effective Congress. I am not so sure that I would agree and I am certain that the distinguished Minority Leader and his party would not agree that that is a valid test. The opposition might measure in precisely the opposite fashion. The opposition might, indeed, find a Democratic Congress which enacted little if any of a Democratic Administration's legislation, a paragon among Congresses. And yet I know that the distinguished Minority Leader does not reason in that fashion for he has acted time and again not to kill Administration measures but to help to pass them when he was persuaded that the interests of the nation so required.

In any event, the statistics on this score are not calculated to give aid and comfort to those who are in a hurry to mark off this Congress as a failure at the midway. For here, Mr. President, are the facts:

As of November 15, the Executive had submitted 125 legislative recommendations to the 88th Congress, in the form of messages, letters and communications. In addition, fifteen appropriations bills have come down. Thus, the total is 140. But for three of these measures, the Executive Branch has yet to suggest draft legislation. The working total of Executive requests, therefore, is 137.

Now, of these measures, 45 have been enacted into law. Two have had conference reports filed and will shortly be enacted. In conference at the present time are six more. And already passed in the Senate and awaiting House action are 26 additional Executive measures. In sum, Mr. President, 79 of the requested 137 Executive measures, or 58% of the program, has, in effect, cleared the Senate. As a Democratic Senator who needs to make no apology to any Member on this side of the aisle for his voting record in support of the President, I, nevertheless, find nothing to brag about in these figures. But neither do I find any grounds for apology as Majority Leader. I ask any Member to search the Record and find in the postwar years, a basis for deprecating the work of the 88th Congress on a statistical basis of this kind. The 88th Congress has yet to run its course but about 60% at the midway is not in any sense an inadequate statistical response to the President's program. And I would point out that the figure of laws enacted pursuant to the President's program in the 87th Congress was 68%. And I ask the Senate to search the Record and find a basis for deprecating the work of that Congress on a statistical analysis of this kind.

In short, I see no basis for apology on statistical grounds either for this Congress to date or for the last. But at the same time, I do not take umbrage in statistics. I do not think that statistics, however refined, tell much of the story of whether or not a particular Congress or Senate is effective or ineffective.

But there is still another test which persuades me that the previous Congress under this Administration was and--before it is done in 1964--this Congress will be more than adequate. This test, admittedly, is a subjective one. Yet it may provide a more accurate insight than statistics into what really matters most in any Congress. I refer to the test of history. I refer to the capacity of a Congress--any Congress--to produce what might be called significant legislation of adjustment, legislation which is in consonance with the forces of change which are at work in the nation and in the world of its time. I refer to the capacity of a Congress to do its part, to do what it must, to keep the nation attuned to ever-changing national and international realities. I refer to the ability of a Congress to come to grips with those few specific critical issues which confront it and to act constructively on them.

And before it becomes fashionable to hold up to ridicule this Congress and the last as well, it seems to me appropriate to take a look at the historic record in the light of this criterion. It seems to me sensible to isolate from the appearance of things, from the hundreds of things which any Congress does, those few specific measures which past Congresses have enacted, measures which without too much stretch of the

imagination may be regarded as significant legislation of adjustment-- the legislation which reveals the vitality of a Congress in meeting the needs of the nation in its time.

The lists which I am about to set forth are arbitrary, to be sure, but any oversights are inadvertent. I welcome any additions to them from other Members who may feel that I have slighted the achievements of any past Congress.

Let me go back, Mr. President, to the 80th Congress, to the first full Congress after the war. What significant legislation do we find in those years 1947 and 1948? This, Mr. President, is the list:

1. The Congress adopted the Marshall Plan and other urgent foreign aid programs.
2. It legislated the unification of the Armed Forces.
3. It ratified the peace treaties with Italy, Hungary, Bulgaria and Rumania.
4. It ratified the Inter-American Treaty.
5. It added the peril-point concept to reciprocal trade.
6. It adopted a peace-time selective service act.
7. It passed the Taft-Hartley Act.

That is the record of that Congress, of the significant legislation of the 80th Congress, of a Republican Congress in a Democratic Administration. It is not an unimpressive record, Mr. President, especially for a so-called "do-nothing Congress."

What of the 81st, of the years 1949-1950, Mr President, of a Democratic Congress in a Democratic Administration? This is the list:

1. It expanded Social Security.
2. It authorized federal aid for the construction of housing for middle income families.
3. It set up the National Science Foundation.
4. It enacted federal aid to education for impacted areas.
5. It authorized aid to Yugoslavia.
6. It raised taxes.
7. It passed the Internal Security Act
8. It removed the peril point concept from reciprocal trade.
9. It continued substantial foreign aid programs.
10. The Senate made cloture more difficult to invoke.

On the basis of this list can we say with certainty that it was better than the 80th Congress--of the so-called "do-nothing Congress"--but the Congress which, nevertheless, enacted the Marshall Plan?

Here is the list of the legislation of adjustment for the 82nd Congress; for the years 1951-1952:

1. It appropriated \$179.2 billion, more money than any peace-time Congress in history.

2. It raised taxes to the highest peace-time level.
3. It passed the first universal military training bill in history
4. It approved the stationing of troops in Europe.
5. It increased certain Social Security payments.
6. It passed a G. I. bill for Korean veterans.
7. It restored the peril point concept to reciprocal trade.
8. It continued substantial foreign aid programs

And so, Mr. President, we come to the first Eisenhower Congress, the 83rd, for the years 1953 and 1954. Here is the list for these two years:

1. Its first order of significant business was to confirm the titles of the states--as against the federal government--to submerged tidelands, to the repository of a substantial share of the nation's resources in petroleum.
2. It acquiesced in reorganization plans for the Executive Branch which grew out of the Hoover Commission of the previous Democratic Administration.
3. It overhauled tax laws.
4. It enacted flexible price supports in five basic crops and reduced dairy supports.
5. It made certain extensions in Social Security coverage and increased the benefits.

6. It authorized construction of the St. Lawrence seaway.
7. It defeated the Bricker amendment.
8. It terminated federal rent control.
9. It continued substantial foreign aid programs.
10. The Senate censured Senator McCarthy.

In the 84th Congress, a 1955-1956 Democratic Congress under a Republican Administration here is the list:

1. It authorized the President to defend Formosa and the Pescadores.
2. It ratified the SEATO Treaty.
3. It raised minimum wages from 75¢ an hour to \$1.00.
4. It passed a housing bill.
5. It set up the soil bank.
6. It established under Social Security a new program for the disabled and reduced the eligibility age for women from 65 to 62.
7. It authorized grants for medical research facilities.
8. It set in motion a 13-year \$30 billion road building program.
9. It authorized construction of an atomic merchant ship.
10. It continued substantial foreign aid programs.